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7 **UNITED STATES DISTRICT COURT**
8 **SOUTHERN DISTRICT OF CALIFORNIA**

9 STEVEN D. STEIN,
10 Plaintiff,

11 v.

12 TRI-CITY HEALTHCARE
DISTRICT, et al.
13 Defendants.

Case No. 3:12-cv-2524-BTM-BGS

**ORDER TO FILE SUPPLEMENTAL
BRIEFING**

14
15 On December 18, 2013, the Court instructed Defendants to file a motion to
16 exclude any evidence they believed to be subject to the attorney-client privilege. The
17 briefing on this motion is now complete, but the parties have failed to identify the
18 specific evidence at issue. The Court cannot determine if a particular statement is
19 privileged unless the statement and its context are presented by the parties. Vague
20 generalities will not suffice. See United States v. Martin, 278 F.3d 988, 1000 (9th

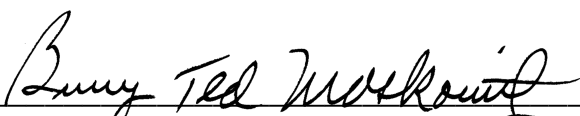
1 Cir. 2002) (“A party claiming the privilege must identify specific communications
2 and the grounds supporting the privilege as to each piece of evidence over which
3 privilege is asserted.” (internal citation omitted)); Clarke v. Am. Commerce Nat’l
4 Bank, 974 F.2d 127, 129 (9th Cir. 1992) (“blanket assertions of the privilege are
5 extremely disfavored.” (internal quotation marks and citation omitted)).

6 Accordingly, the parties must file supplemental briefing on this matter. The
7 Court notes that Mr. Stein’s deposition is scheduled for April 12, 2014. Defendants
8 shall file a supplemental brief by April 25, 2014, identifying the specific testimony
9 and documents produced in discovery that they believe are subject to the attorney-
10 client privilege or duty of confidentiality.

11 Plaintiff shall file a supplemental response by May 9, 2014. The hearing
12 scheduled for April 9, 2014 is continued to May 22, 2014 at 2:00 p.m. The Court
13 reminds the parties that it will only consider a motion to seal the supplemental brief
14 and response after a public redacted version of the same has been filed.

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16 **IT IS SO ORDERED.**

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18 Dated: April 7, 2014

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20 BARRY TED MOSKOWITZ, Chief Judge
United States District Court